IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13551 of 2004

Between:

B.Subrahmanyam, S/o Late B.Subbaiah,
R/o Maddurpalli, Rapur Mandal, Nellore District

..... PETITIONER

AND

1 The A.P.S.R.T.C., rep.by its Vice Chairman, and Managing Director, Musheerabad, Hyderabad
2 The Regional Manager, Simhapuri Region, A.P.S.R.T.C. Trunk Road, Nellore
3 The Depot Manager, Nellore Depot I, Trunk Road, Nellore

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Mandamus directing the respondents to consider my case for appointment as "Conductor" or for any appointment in any other suitable post on compassionate grounds.

Counsel for the Petitioner: MR.P.MADHUSUDHAN REDDY

Counsel for the Respondents: MR Posani Venkateswarlu, Standing counsel for APSRTC.

The Court made the following Order:

The petitioner is the son of the deceased employee of the respondent-corporation. The deceased employee died on 03-02-1992. The father of the petitioner faced a departmental enquiry and he was removed from service by the respondents. He preferred I.D.No.141 of 1987. Subsequently the father of the petitioner was directed to be reinstated by the Labour Court with 1/3rd back wages. Being aggrieved by non-granting of full back wages, the deceased employee filed WP No.8820 of 1989. The respondents filed WP No.6315 of 1990 challenging the order of the Labour Court, Guntur. The petitioner submits that in WPMP No.21530 of 1993 in WP No.8820 of 1989, this Court directed the 3rd respondent herein to consider the case of the petitioner's mother for appointment on compassionate grounds in any suitable post pending disposal of the said writ petition. During the pendency of the application of the petitioner's mother, she died on 27-04-1996 due to cancer. Subsequently, on 22-12-1998 this Court while disposing of W.P.No.8820 of 1989 directed the respondents to consider the case of the petitioner's mother or any one of the legal representatives of the deceased employee, for appointment on compassionate grounds in any suitable post. The order in the said writ petition was communicated to the 3rd respondent on 11-1-1999.

The learned counsel for the petitioner contends that the petitioner submitted a representation on 9-6-1999 and several other representations personally and through his advocate.

The grievance of the petitioner is that the respondents did not consider his request for appointment on compassionate grounds. Therefore, he approached this Court seeking a direction to the respondents for his appointment on compassionate grounds.

The petitioner's father died on 3-2-92 and his mother died on 27-4-96. He made an application on 19-6-99. The petitioner contends that he could not make any application prior to 19-6-1999 due to the pendency of the writ petitions and in view of a direction given by this Court in WP No. 8820 of 1989 to consider the case of his mother or any one of the family members of the deceased employee.

In the light of the representation of the petitioner, the respondents are directed to pass appropriate orders on the application of the petitioner for appointment on compassionate grounds according to the existing rules, within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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03-08-2004

Note:

Issue CC by

one week

(B/0)

rkk/NN

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